



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

October 21, 2003

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Eric G. Lardiere
Whittaker Corporation
1955 N. Surveyor Avenue
Simi Valley, CA 93063

DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT A PERCHLORATE INVESTIGATION IN THE VICINITY OF 2298 WEST STONEHURST, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA

Dear Mr. Lardiere:

Thank you for your response to my June 26, 2003 Directive to Conduct a Records Investigation and Submit a Report Concerning Perchlorate Discharges (Directive) in the Rialto, Colton and Chino Groundwater Basins, San Bernardino County. The Directive was issued to Meggitt-USA, Inc., and Whittaker Corporation (Whittaker). Your response states that Whittaker is an indirect, wholly owned subsidiary of Meggitt-USA, Inc., and therefore Meggitt-USA is a separate corporation with no affiliation to the former facility in Rialto. You have requested that all of our communication regarding the former Amex/Whittaker facility at 2298 West Stonehurst, Rialto, be addressed to Whittaker.

Your letter states that Whittaker owned a majority share of Tasker Industries, Inc., (Tasker) prior to Tasker merging into Whittaker in October of 1972; that Tasker acquired Amex Products, Inc., (Amex) including real properties located at 2298 West Stonehurst, Rialto, in 1969; and that Tasker operated Amex until approximately April of 1971. However, a Union Bank Escrow Department document provided to Board staff by the current owner of the property indicates that Whittaker continued to own the property until its sale to Robert Kennard in 1974. Your response also states that you have conducted a search of Whittaker records for information and documents responsive to my Directive. You have provided copies of certain Whittaker telephone directories; Amex products listings; descriptions of Amex facilities, machinery and equipment; and one Tasker employee list. According to your response, you have not located any additional records at this time.

According to the 1969 Amex Products, Inc., Product Information and Pricing document, provided with your response, Amex was in the business of manufacturing flares and ordnance; leased at least one of the former bunker buildings located on property

California Environmental Protection Agency



Recycled Paper

October 21, 2003

adjacent to the Stonehurst address; operated a chemical laboratory; utilized two buildings (located west of the former bunker) for powder mixing; and operated a test range located on 15 acres northwest of the Amex plant, that included a permanent test stand.

Our research indicates that it is common practice to use perchlorate salts as oxidizers in the manufacturing of flares and ordnance. More specifically, the Contemporary Trade Formula Chart identifies the use of 15%-73% perchlorate in certain Amex products (see Enclosure 5). In addition, Whittaker is known to have used perchlorate in its manufacturing of flares and ordnance at other facilities, such as the former Santa Clarita military flare and munitions facility and facilities outside of California. Based on the evidence, Whittaker's subsidiary, Amex, is suspected of having discharged perchlorate waste that has adversely affected water quality.

This letter sets forth a requirement under California Water Code Section 13267 that Whittaker conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of 2298 West Stonehurst, Rialto, including the bunker and test range areas. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton, and Chino Groundwater Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including former and current occupants of your property on Stonehurst, have been identified.

Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers in the Rialto and Colton Groundwater Subbasins. Several letters similar to this one have already been issued over the last several months to other suspected dischargers and to the owners of affected properties. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

California Environmental Protection Agency



Recycled Paper

The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

Evidence Supporting the Need for the Investigation

Enclosed are the following documents:

1. Well Location Map, showing perchlorate contamination in municipal water supply wells in the vicinity of Rialto, Colton and Fontana, California.
2. Amex Products List including emergency signal flare kits, underwater illumination flares, mortar system, and chaff dispersing rocket heads.
3. Amex Facilities – Description of Buildings, machinery, and equipment.
4. Union Bank Escrow Instructions and Assessor's Map for the sale of Parcel NW 1/3 Section 28, Township 1 North, Range 5 West, located adjacent to West Stonehurst Drive, Rialto to Robert Kennard from Whittaker Corporation dated April 24, 1974.
5. Contemporary Trade Formula Chart identifying certain Amex products and their likely percentage of perchlorate.
6. City of Santa Clarita - Whittaker-Bermite Property Clean-Up Information Sheet and article from Todd Engineers: Whittaker Perchlorate Contamination in Santa Clarita Valley.
7. California Department of Toxic Substances Control-Profile Report of Whittaker-Bermite Facility in Saugus, CA.
8. U.S. EPA Federal Register Notice of Deletion of Whittaker Corporation Superfund Site in Minnesota from Federal Registry.



The evidence indicates that Amex (subsidiary of Whittaker) manufactured, stored, handled, tested, and burned flares, underwater flares, and ordnance, likely containing perchlorate salts, at the property located at 2298 West Stonehurst, Rialto, California. As a previous owner/occupant of the property, you bear legal liability under California law for discharges that have adversely affected water quality. This evidence supports the requirement for an investigation as defined in Section 13267(b)(1) of the California Water Code.

Deadlines

1. A work plan for a soil and groundwater investigation for perchlorate in the vicinity of the former Whittaker property at 2298 West Stonehurst, Rialto must be submitted to Board staff no later than December 16, 2003. The work plan must include a detailed time schedule for the tasks to be conducted. The work plan and time schedule will be subject to my approval.
2. The investigation must commence within 30 days of my approval of the work plan.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for the soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we have issued and will continue to issue similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and



October 21, 2003

initiation of water supply replacement or treatment strategies. Board staff has experience managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting or teleconference.

Recovery of Regional Board Expenses

California Water Code Section 13365 addresses the billing process for the Regional Board to recover reasonable expenses for overseeing investigation of illegal discharges, contaminated properties, and other unregulated releases that may adversely affect the State's waters. It is the Regional Board's intent to recover such costs for regulatory oversight work conducted in accordance with this order. A description of the Board's procedure for cost recovery for regulatory oversight of investigations and cleanups will be sent to you under separate cover.

If you have any questions about this letter, or if you would like to arrange a meeting or teleconference, please contact Kamron Saremi, Project Engineer, at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,



Gerard J. Thibeault
Executive Officer

cc w/out enclosures:

Regional Board members
Jorge Leon, Office of Chief Counsel, SWRCB
Inland Empire Perchlorate Regulatory Task Force (see mailing list)



October 21, 2003

Enclosures:

1. Well Location Map, showing perchlorate contamination in municipal water supply wells in the vicinity of Rialto, Colton and Fontana, California.
2. Amex Products List including emergency signal flare kits, underwater illumination flares, mortar system, and chaff dispersing rocket heads.
3. Amex Facilities – Description of Buildings, machinery, and equipment.
4. Union Bank Escrow Instructions and Assessor's Map for the sale of Parcel NW 1/3 Section 28, Township 1 North, Range 5 West, located adjacent to West Stonehurst Drive, Rialto to Robert Kennard from Whittaker Corporation, dated April 24, 1974.
5. Contemporary Trade Formula Chart identifying certain Amex products and their likely percentage of perchlorate.
6. City of Santa Clarita - Whittaker-Bermite Property Clean-Up Information Sheet and article from Todd Engineers: Whittaker Perchlorate Contamination in Santa Clarita Valley.
7. California Department of Toxic Substances Control-Profile Report of Whittaker-Bermite Facility in Saugus, CA.
8. U.S. EPA Federal Register Notice of Deletion of Whittaker Corporation Superfund Site in Minnesota from Federal Registry.
9. Mailing List.

DON/Data/SLIC/Rialto perchlorate/13267/Whittaker2

